

The Honorable John C. Coughenour
 The Honorable Marsha Pechman
 The Honorable James L. Robart

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

LUIS TORRES, Individually and on behalf of all others)
 similarly situated,)
 Plaintiff,)
 vs.)
 MICROSOFT CORPORATION, a Washington)
 Corporation,)
 Defendant.)

No. 07-CV-1121 JCC

Hon. John C. Coughenour

**DECLARATION OF MELISSA M. HARNETT
 IN SUPPORT OF DESIGNATION OF
 WASSERMAN, COMDEN & CASSELMAN
 LLP AS INTERIM COUNSEL FOR THE
 PUTATIVE CLASS PURSUANT TO
 FED.R.CIV.P. 23(g)(2)(A)**

STEVE CARLIE, Individually and On Behalf of All)
 Others Similarly Situated,)
 Plaintiff,)
 vs.)
 MICROSOFT CORPORATION, a Washington)
 Corporation,)
 Defendant.)

No. 07-CV-1132 CMP

Hon. Marsha J. Pechman

[Caption continues on next page.]

1	CHRISTINE MOSKOWITZ and DAVID WOOD,)	No. 07-CV-1270
2	Individually and on behalf of all others similarly situated,)	
3	Plaintiffs,)	Hon. John C. Coughenour
4	vs.)	
5	MICROSOFT CORPORATION, a Washington)	
6	Corporation,)	
7	Defendant.)	

9	HEIDI LING, As Parent And Natural Guardian Of)	No. 07-CV-1271
10	ROBERT LING, III, Individually and on)	
11	behalf of all others similarly situated,)	Hon. James L. Robart
12	Plaintiff,)	
13	vs.)	
14	MICROSOFT CORPORATION, a)	
15	Washington Corporation,)	
16	Defendant.)	

MELISSA M. HARNETT hereby declares as follows:

1. I am an attorney admitted to practice in the state of California and have been admitted pro hac vice in the case of *Carlie v. Microsoft Corporation*, United States District Court for the Western District of Washington case number 07-CV-1132 CMP. I am a partner in the law firm of Wasserman, Comden & Casselman, LLP ("WCC") in Los Angeles, California and am the managing attorney at WCC for this litigation.

2. I submit this Declaration in support of the motion by Plaintiffs in the above-captioned actions to appoint the firms of Stritmatter Kessler Whelan Coluccio, Chitwood Harley Harnes, LLP, The Hodkin Kopelowitz Ostrow Firm, P.A., Kabateck Brown Kellner LLP, Keller Rohrback LLP, Krause Kalfayan

1 Benink and Slavens, LLP, and Wasserman Comden & Casselman, LLC as interim
2 counsel to act on behalf of the putative class pursuant to Fed.R.Civ.P. 23(g)(2)(A).
3

4 3. Prior to filing the law suit, WCC spent many months investigating and
5 identifying the potential claims in this action. During that time period, and
6 continuing after the initiation of the action, WCC conducted factual research into
7 the problems experienced by consumers with respect to Microsoft Corporation's
8 ("Microsoft") Xbox 360 gaming consoles (the "Xbox 360"), and specifically the
9 fact that the Xbox 360 scratches and destroys game disks and other optical media
10 loaded into the Xbox 360's included DVD-drive. Additionally, we have performed
11 extensive legal research in determining the appropriate causes of action arising by
12 virtue of the underlying facts as well as whether or not a class can be certified in
13 this matter. We have been contacted by and responded to hundreds of inquiries
14 from members of the putative class, and we have interviewed prospective
15 representative plaintiffs.
16

17 4. To date, attorneys and support staff at WCC have expended over 160
18 hours in this matter.
19

20 5. WCC is one of the leading plaintiff's class action law firms in the
21 United States with a nationwide litigation practice. Our team includes experienced
22 trial lawyers and members of the American Board of Trial Advocates, and our
23 attorneys have presented seminars to such organizations as the American Bar
24 Association and the California Judges Association, as well as served as professors
25 at local law schools. Further, WCC's expertise has also been used to draft key
26 legislation and local rules in California to assist courts in managing civil litigation.
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1 6. WCC recently finalized what is believed to be the largest settlement in
2 Santa Barbara County history, in which Senior Trial Partner David B. Casselman
3 negotiated a payment of \$80,970,000.00 by the State of California's Caltrans to
4 residents affected by a major landslide. Our firm has been appointed class counsel
5 by the State of California and Federal Courts on multiple occasions, and has
6 successfully resolved class actions against defendants such as Denny's, CitiBank,
7 American Express Financial Advisors, First USA Bank, Neptune Technologies,
8 Inc., Metro-Goldwyn-Mayer, Inc. and HomeStore.com..
9

10 7. Moreover, WCC has the experience and resources to prosecute this
11 case through trial, if necessary. Unlike many firms that prosecute class actions,
12 attorneys at WCC have successfully completed a number of bench and jury trials
13 of complex cases. Gregory Ramirez, a partner at WCC and one of the attorneys
14 who will litigate this action, has been a practicing trial lawyer for 17 years and has
15 tried over 40 jury trials to verdict. He has been appointed lead counsel in several
16 class actions, including a class action against Nabisco Corp. which was settled in
17 for \$2.2 million. He has been a board member and President of the Ventura
18 County Trial Lawyers' Association (1999-2004) and is an active member of
19 ABOTA and the American Trial Lawyers' Association.
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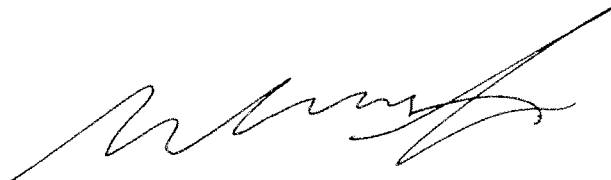
22 8. I have been a practicing attorney for over 14 years. I am the head of
23 the Class Action Department at the law firm of WCC. I have litigated, and am
24 continuing to litigate, multiple class actions involving putative classes with
25 hundreds, and sometime thousands, of members. At the present time, I am counsel
26 of record, overseeing, and/or litigating more than ten actions involving class
27 claims. I am currently co-counsel for a certified class in the matter of *Ramirez v.*
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1 *Seaboard Produce Distributors, Inc.*, a wage and hour class action involving more
2 than 1200 workers in the agricultural industry. I have been appointed by the U.S.
3 District Court for the District of South Carolina as a member of the Economic
4 Injury Plaintiffs' Steering Committee in *In re In Re: Bausch & Lomb Inc Contact*
5 *Lens Solution Products Liability Litigation*, MDL No. 1785. I am currently
6 serving on the Plaintiff's Executive Committee in the Federal Multi-District
7 Litigation *In re Bluetooth Headset Litigation*, MDL No. 1822, involving class
8 claims relating to Bluetooth Headsets sold by Motorola, Jabra and Plantronics
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10 9. WCC currently has over thirty attorneys and nine paralegals on staff.
11 The firm routinely incurs out-of-pocket expenses in excess of hundreds of
12 thousands of dollars in preparing cases for trial. All of these resources will be
13 committed as needed to the representation of the putative class in this litigation.
14

15 I declare under penalty of perjury under the laws of the United States of
16 America that the foregoing is true and correct.

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18 August 17, 2007

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Melissa M. Harnett